

Minutes
CRIMINAL JUSTICE COLLABORATING COUNCIL
March 27, 2013

Committee Members Present

Judge Lloyd Carter (Chair)	Joanne Huelsman	Dan Vrakas
Sam Benedict	Jeff Scrima	Kathy Madden
Peter Schuler	Brad Schimel	Russ Jack
Dan Trawicki	Melinda Stuart	Paul Decker

Committee Members Absent

Karl Held

Others Present

Rebecca Luczaj	Shawn Lundie	Ralph Schultz
Mike Giese	Darryl Enriquez	Bill Hanna
Sara Carpenter		

Judge Carter called the meeting to order at 8:33 a.m.

Approve Minutes from January 23, 2013 Meeting

Motion: Madden moved, Decker second, to approve the minutes of the January 23, 2013. Motion carried 11-0.

Presentation: 2012 CJCC Program Outcomes – Sara Carpenter, WCS Administrator

Pretrial Supervision - Carpenter distributed and reviewed a handout titled *WCS Waukesha Pretrial Status Report, From 1/1/2012 to 12/31/2012* including statistics related to admissions, discharges, recidivism, etc. The average length of stay in the program was 156 days and the program saved 11,452 jail days. In response to Vrakas' question, Carpenter said the program started in 1994.

Benedict arrived at 8:39 a.m.

Intoxicated Driver Intervention - Carpenter distributed and reviewed a handout titled *WCS Pretrial Services - Waukesha OWI Program, OWI Summary Report for Period 1/1/2012 to 12/31/2012* including statistics related to admissions, caseloads, referrals, treatment status at time of adjudication, recidivism, blood alcohol content at admission, discharges, age, education, employment status, marital status, etc. The average length of stay for this program was 182 days and 17,749 jail days were saved.

Benedict asked what percentage of second OWI offenders are supervised by WCS? Carpenter said all offenders with second and greater OWI offenses are court ordered to participate in the program but program participation is voluntary. Those who do not wish to comply with the program must submit letters to WCS indicating they are unwilling to participate. WCS reports this information to the courts. Benedict asked what percentage of OWI defendants have a court order to participate in WCS programs? Carter asked are participants tracked if they opt out of the program? Carpenter said the report (*WCS Pretrial Services - Waukesha OWI Program, OWI Summary Report for Period 1/1/2012 to 12/31/2012*) captures data on all OWI offenders who have completed intake and are served by the program. The report does not capture data on those defendants who opt out of the program. Benedict said the CJCC would be interested in learning how many people ordered to the program refuse to participate. Carpenter said one or two people, here or there opt out. Benedict said the amount sounds statistically insignificant. Madden said it would be difficult to capture these statistics. Carter suggested

comparing the total number of people charged with the total number served by the program. Luczaj said she will research the numbers and share with the group.

Day Report Center - Carpenter distributed and reviewed a handout titled *Waukesha County Day Report Center Program, Wisconsin Community Services, Inc.* including statistics related to referrals, active participants, levels of supervision, assessments, ethnicity, gender, age, fees collected, discharges, referrals, sanctions, etc. The average length of stay in this program was 49 days and the program saved 16,550 jail days.

Alcohol Treatment Court - Carpenter distributed and reviewed two handouts titled *Waukesha County Alcohol Treatment Court Program, Wisconsin Community Services, Inc., January - December 2012-3rd Offense* and *Waukesha County Alcohol Treatment Court Program, Wisconsin Community Services, Inc., January - December 2012- 4th Offense* including statistics related to application statuses, caseloads, demographics, discharges, graduate status, incentives, sanctions, positive test results, community service, etc. Regarding 2012 third offense participants: 42 graduated from the program, 755 court sessions were attended, 6,056 jail days were saved and the average length of stay for graduates was 415 days. Regarding 2012 fourth offense participants: 16 graduated from the program, 290 court sessions were attended, 2,110 jail days were saved, and the average length of stay for graduates was 385 days.

Benedict asked has the number of fourth OWI offenders supported with grant funding increased? The numbers in the report are higher than he anticipated. Carpenter said program changes were made and the numbers increased. The courts agreed to utilize SCRAM in an increased capacity allowing more jail time credit for fourth OWI participants. Originally participants were given 90 days in custody. Now participants can use SCRAMx with a step down to SCRAM and 45 days of custody. Benedict asked is the program on target to reach its goals? Luczaj said the program is still behind. She will be requesting a no cost, one-year grant extension which will hopefully allow the program to reach its goal of serving 150 participants. Luczaj said monthly reports indicate the intake rate is increasing. The grant officer is pleased with the improvements made in response to lower than expected enrollments, which will be positive when we request the extension. Benedict said the group should revisit the data for possible conclusions in light of the fact enrollments are behind schedule. It might be helpful to analyze statistics to figure out why the program has low capacity.

Decker asked how many third OWI offense participants are charged with fourth OWI offenses? Carpenter said 92% of graduates have not recidivated, which is really low. Last year Judge Domina researched all ATC graduates nationwide for additional OWI charges. Stuart asked how does the recidivism rate compare to people who do not participate in the program? Schimel said 44% to 45% of those charged with OWIs in Wisconsin reoffend.

Scrima left at 9:15 a.m.

Update on Creation of New CJCC Subcommittees

Drug Treatment Court Subcommittee

Carter said the CJCC Executive Committee approved formation of a DTC Subcommittee to deal with operational issues. Judge Domina agreed to chair the group. Schimel said this committee will deal with big picture issues which the staffing team does not have time for. Benedict said at the first meeting on March 25, the subcommittee began addressing wait list issues. Luczaj said the group also discussed procedures related to ATC and DTC jail sanctions to increase Sheriff's Department efficiency, such as

open release times and encouraging participants to arrive at the jail with less property (reduces booking time).

Veterans Court Subcommittee

Carter said after a lengthy discussion, the CJCC Executive Committee approved an exploratory subcommittee to examine the viability of a Veterans Treatment Court (VTC) Subcommittee for Waukesha County and the third judicial district. Schimel agreed to chair the committee. Carter encouraged committee members to read Darryl Enriquez's article on the issue in the Waukesha Freeman.

Schimel said this action was triggered from a call from the chair of the statewide CJCC Problem-Solving Courts Committee. Waukesha County resides in one of two judicial districts in the state that does not have a VTC. There are many challenges and issues to investigate before a VTC would be formed such as which county in the district will receive referrals from the other counties and do the work. There is not foregone conclusion that there will be a VTC. He spoke to representatives from other counties and learned they would be interested in referring clients to a VTC if Waukesha County would do all of the work.

Madden asked how many DTC and ATC participants are veterans? Schimel said that is a question that needs to be explored. The CJCC has the Pretrial Jail Screening program capturing veterans' statistics. Veterans' issues are more complicated than addictions. Addiction is a symptom of deeper issues.

Madden said would it not be more encompassing and broader to have a mental health treatment court than a targeted VTC? Schimel said that is something the subcommittee will investigate. It is not known if there are enough veterans for a VTC.

Schimel said it is important that other counties in the district are involved in this committee. Stuart suggested using technology for meetings. Madden volunteered courts technology.

Schimel said other than the need to serve veterans returning from war zones, there is another sense of urgency. The Veterans Treatment Court Planning Initiative (VTCPI) assists jurisdictions in planning and developing VTC programs. The deadline to submit applications is November 2013 for 2014 training. Thirty teams are selected per year on a first-come, first served basis. To date, 18 teams have submitted applications leaving 12 openings. The application is not extensive but the VTC team needs to be identified. Luczaj said groups that participate in VTCPI are under no obligation to start VTCs. BJA in partnership with Justice For Vets, developed the content of the VTCPI which focuses on team and mission statement building, target populations, combat operational stress reactors, and program evaluation and sustainability. The facilitated six-month planning process includes an expert practitioner from a VTC, a representative from the Justice For Vets, pre-training worksheets, a five-day VTCPI training program in Washington D.C. (travel and lodging stipends provided for each team by BJA and Justice For Vets), routine correspondence with program staff and submission of a VTC implementation plan or draft policy and procedure manual. The program provides support after the training to start the program. After completing VTCPI, the CJCC could apply for a federal implementation grant. Groups that participate in VTCPI are usually given preferential consideration for implementation grants.

Schimel said if it is realistic, he would like to get the training. Madden suggested signing up for training now and dropping out if a VTC is determined unnecessary. Carter said it is in the best interest of the county to do a thorough exploration and examination.

Vrakas asked do the other judicial districts have Mental Health Treatment Courts? Schimel said some do, some don't. Carter said Judge Foster has attended training and leads an ad hoc group investigating options. Decker said the group has reached no conclusions. Giese said there is little funding for such a program. Schimel said the practical difference for VTCs is that there is a funding source available for treatment, programs, mentors, etc. The subcommittee will investigate a wide range of issues and debate appropriate outcomes.

Stuart asked do all counties in judicial districts that have 1 VTC contribute funding for the VTC? Luczaj said the planning initiative would teach us what is done across the country and which implementation models are used. Grant funding may provide for a dedicated prosecutor to handle cases in multiple jurisdictions.

Overview of Senate OWI Bills & Impact on the Criminal Justice System

Schimel distributed and reviewed a handout titled *Summary of Current OWI Bills Under Consideration in the Senate* including SB 56, SB 57, SB 58, SB 59, SB 60 and SB 61. Schimel said these types of changes to OWI laws are perennial and nothing new. The bill sponsors are serious about the need for change but acknowledge that changes would be very expensive and the bills have little chance of becoming laws.

SB 56 - Schimel said he would expect this proposed bill to increase the number of cases that are litigated. Litigation would include complicated testimony from doctors.

SB 57 – Schimel said this bill makes sense and would not have much impact on Waukesha County as a system.

SB 58- Schimel said SB 58 is the most serious of the bills because it makes first OWI offenses a crime and would tremendously increase the number of cases in the system. A few years ago Judge Davis looked into the effect of first offenses becoming felonies and estimated 2,000 new cases would come into the courts. The number would necessitate 2.7 additional judges, four to five additional assistant district attorneys and one extra court commissioner, with the accompanying court and office space, staff, computers, phones, etc. Schimel said it is imperative to make legislators aware of the costs associated with this law.

Madden said this bill would hurt the municipalities. Schimel said the law could have an adverse effect on safety. Municipalities would have less income so fewer officers would be available to stop people who are operating impaired, thus increasing the number of crashes caused by impaired drivers. Schimel anticipates this bill will die quickly.

SB 59-Schimel said this bill would set the minimum mandatory confinement for an OWI homicide at 10 years, which would increase litigation. The bill sponsor may be willing to bargain the time. Benedict said this bill is an anomaly because there is nothing to compare it to. There are no minimum mandatories for homicide by gun. Schimel said it will be a hard pitch.

SB 60 – Schimel said this bill, making third OWI offense a felony, would increase litigation and the need for judges, prosecutors, courts staff and associated costs. Schimel estimates 300 third offense OWI cases are currently handled in Waukesha County annually. Benedict said there would be a lot of additional work and the ATC model would have to be redone. Schimel said this law will undermine ATC. Schuler noted that it would also increase the jail and prison populations.

SB 61-Schimmel said this bill gives judges the authority to forfeit vehicles owned by defendants of third OWI offenses or greater. In the past, judges were able to order vehicle forfeitures which left counties with a lot of vehicles with no value. It was foolish to think taking away peoples' cars would stop them from driving.

Update on May 22nd CJCC Strategic Planning

Luczaj said the next CJCC meeting will focus on strategic planning. The results of performance measure surveys she is developing with the Public Policy Forum (PPF) for internal and external stakeholders will be discussed at the meeting. The PPF offered to send the surveys using their Survey Monkey membership in April.

Update on Office of Justice Assistance (OJA) "Crisis Intervention Team and Crisis Intervention Partners (CIT/CIP) Training" Grant Award

Luczaj distributed and reviewed a handout titled *Crisis Intervention Team (CIT) & Crisis Intervention Partners (CIP) Training, Grant Award Summary, March 2013*. The CJCC was awarded an OJA grant totaling \$68,500 to provide CIT training to up to 25 local and 10 City of Cudahy law enforcement officers, CIP training for up to 80 crisis services workers (correctional officers, probation agents, social workers, etc.) and advanced CIT training to up to 25 officers who have completed a previous CIT training. The grant budget includes \$52,500 for officer stipends and \$16,000 to contract with NAMI of Waukesha to facilitate the trainings.

CIT training – April 15 – 19, 2013 (1-2 slots open)

CIP training – May 7-8, 2013

Advanced CIT training – date to be determined.

Luczaj said the OJA called to ask if the CJCC would be willing to accommodate officers from the City of Cudahy police department in the CIT training. The Cudahy Police Department was unable to secure CIT training in Milwaukee County. Waukesha County was provided an additional \$18,500 to provide training for City of Cudahy police officers. To date, eight officers have registered for the class including the police chief and other command staff. The City of Cudahy is very appreciative of being accepted into Waukesha County's training program. The County Board approved the ordinance to accept the grant funding overwhelmingly last night.

Decker left at 9:59 a.m.

Update on OJA Problem-Solving Courts Grant Application

Luczaj said the CJCC was not awarded one of the ten OJA Problem-Solving Courts Grant which would have been used to provide Vivitrol for uninsured DTC participants. The OJA provided several reasons why Waukesha County was not awarded funding:

- Proposals from counties with less developed CJCCs demonstrated a higher cost benefit by hiring coordinators to serve 40 participants and potentially grow programs. Waukesha County's plan provided service for 13 participants.
- The OJA is interested in spreading out resources and fortunately/unfortunately Waukesha County has been very successful in securing grant funding for its CJCC. Some applicants were applying for their first grants.

Update on 2013 Community Service Options Program Budget

Luczaj said the Department of Corrections (DOC) has agreed to a 3% increase in the Community Services Options Program budget. The increase brings DOC's portion of program funding to 49%, just shy of the preferred 50/50 funding split. Earlier this year Luczaj and Carpenter provided an overview of the program including statistical information on probationers served by the program to new DOC staff. Corporation Counsel is finalizing the contract to include DOC requested language on deliverables.

Next CJCC Meeting

STRATEGIC PLANNING

May 22, 2013

8:30 a.m. – 1:00 p.m.

Citizens Bank of Mukwonago

2109 Corporate Drive, Waukesha

The meeting adjourned at 10:06 a.m.